

ORIGINAL

EDWARD H. KUBO, Jr. #2499
United States Attorney
District of Hawaii

RONALD G. JOHNSON #4532
Chief, Violent Crime Section

EDRIC CHING #6697
Assistant U.S. Attorney
Room 6100, PJKK Federal Building
300 Ala Moana Blvd., Box 50183
Honolulu, Hawaii 96850
Telephone: (808)541-2850
Facsimile: (808)541-2958
E-mail: edric.ching@usdoj.gov

Attorneys for Plaintiff
UNITED STATES OF AMERICA

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JUN 19 2003

at 3 o'clock and 15 min. PM
WALTER A. Y. H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	MAG. NO. 03-0426 BMK ✓
)	
Plaintiff,)	
)	
)	CRIMINAL COMPLAINT;
vs.)	AGENT'S AFFIDAVIT
)	
JUSTIN KEOLA LEE,)	
)	
Defendant.)	
)	

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

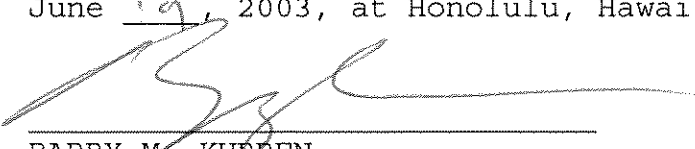
That on or about June 18, 2003 in the District Of Hawaii, defendant JUSTIN KEOLA LEE, having been convicted of a crime punishable by imprisonment for a term exceeding one year, did possess in and affecting commerce a firearm, to wit: a Smith & Wesson, model 5904, .9mm semiautomatic pistol, bearing serial number TDE4385, in violation of Title 18, United States Code, Section(s) 922(g)(1) and 924(a)(2).

I further state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives and that this complaint is based upon the facts set forth in the attached "Agent's Affidavit in Support of Criminal Complaint," which is incorporated herein by reference.



TY K. TORCO
COMPLAINANT

Subscribed to and sworn before me on
June 19, 2003, at Honolulu, Hawaii.



BARRY M. KURREN
UNITED STATES MAGISTRATE JUDGE
District of Hawaii

AGENT'S AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

TY K. TORCO, after being first duly sworn on oath, deposes and says:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") assigned to District of Hawaii.

2. On June 18, 2003, Officers of the Hawaii County Police Department ("HCPD") responded to a domestic disturbance involving Justin Keola LEE ("LEE") and Terrene Kahakai. LEE upon his initial contact with HCPD Officers identified himself as Jason Lee, his brother's name, because LEE himself had outstanding State Bench warrants. Because no physical contact was made between LEE and Ms. Kahakai, LEE was issued a warning citation to stay away from Ms. Kahakai's residence located at 640 Hinano Street, Hilo, HI. Approximately fifty minutes later HCPD Officers responded to a 640 Hinano Street, Hilo, HI. involving a male with a handgun. No one was present at the location; however, a neighbor stated that she saw a male ("LEE") pointing a handgun at Ms. Kahakai. Approximately twenty minutes after this incident, HCPD Officers learned that Ms. Kahakai drove to the South Hilo Police Station, at which time the domestic dispute with LEE continued in the Police Station parking lot. It was later determined that LEE was driven to the South Hilo Police Station by Chris Isabel. HCPD Officers subsequently arrested LEE for violating the warning citation to stay away from Ms. Kahakai.

3. LEE was a passenger in a Nissan four-door sedan, bearing Hawaii license number FNP883, which was operated by Chris Isabel. Mr. Isabel gave a verbal consent to search this vehicle, at which an HCPD Officer recovered a gray / white colored canvas type Adidas brand backpack on the rear passenger seat. Upon handling the backpack and prior to conducting a search, the HCPD Officer felt what he believed to be a handgun through the soft material. Mr. Isabel further told the HCPD Officers that the backpack belonged to LEE.

4. HCPD Officers obtained and executed a State search warrant on the Adidas backpack and recovered a Smith & Wesson, model 5904, .9mm semiautomatic pistol, bearing serial number TDE4385, pistol magazines and ammunition.

5. On December 23, 2002, this Smith & Wesson, model 5904, .9mm semiautomatic pistol, bearing serial number TDE4385, was reported stolen to the HCPD under report number H-3231.

6. A check with the Hawaii Criminal Justice Data Center revealed that LEE has two felony convictions and has been a convicted felon since October 16, 2001, and thus a prohibited person.

7. Affiant has spoken to LEE's Probation Officer, Galvin Fujii, who confirmed LEE's felony convictions and stated that he is the same individual arrested by HCPD on June 18, 2003.

8. The firearm in paragraph four was manufactured outside the State of Hawaii, and thus traveled in interstate commerce.

FURTHER AFFIANT SAYETH NAUGHT


TY K. TORCO

This Criminal Complaint and Agent's Affidavit in support thereof were presented to, approved by, and probable cause to believe that the defendant above-named committed the charged crime found to exist by the undersigned Judicial Officer at 2:50 P.m. on June 19, 2003.

Subscribed to and sworn before me on
June 19, 2003, at Honolulu, Hawaii.


BARRY M. KURREN
UNITED STATES MAGISTRATE JUDGE
District of Hawaii